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WALTER WILHELM LAW GROUP
A Professional Corporation
Riley C. Walter, #91839
Matthew P. Bunting, #306034
Danielle J. Bethel #315945
205 East River Park Circle, Ste. 410
Fresno, CA 93720
Telephone: (559) 435-9800
Facsimile: (559) 435-9868
E-mail: rileywalter@w2lg.com
dbethel@w2lg.com

Attorneys for Debtor, Tulare Local Healthcare District,
dba Tulare Regional Medical Center

IN THE UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION

In re

TULARE LOCAL HEALTHCARE
DISTRICT, dba TULARE
REGIONAL MEDICAL CENTER,

Debtor.

Tax ID #: 94-6002897
Address: 869 N. Cherry St.
Tulare, CA 93274

CASE NO. 17-13797

Chapter 9

DC No.: WW-31

Date: April 12, 2018
Time: 9:30 a.m.
Place: 2500 Tulare Street
Fresno, CA 93721
Courtroom 13
Judge: Honorable René Lastreto II

**MOTION FOR ORDER APPROVING AGREEMENT RELATING TO RELIEF FROM
THE AUTOMATIC STAY (DOMINGUEZ)**

TO THE HONORABLE JUDGE OF THE UNITED STATES BANKRUPTCY COURT:

TULARE LOCAL HEALTHCARE DISTRICT, dba TULARE REGIONAL
MEDICAL CENTER ("TRMC" and/or "Debtor") hereby files this Motion for Order
Approving Agreement Relating to Relief From Stay ("Motion") which seeks an order
pursuant to 11 U.S.C. §§ 901 and 362 as complimented by FRPB 4001(d) approving

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the Stipulation for Relief From the Automatic Stay ("Stipulation") entered into between TRMC and JOE O. DOMINGUEZ, MARY ROSE DOMINGUEZ, CERENE R. OLIVERA, STEVEN J. ZUIDERWEG, a minor, by and through his Guardian ad Litem, AMANDA ZUIDERWEG (Collectively "Plaintiffs").

This Motion is based on the Motion and Exhibits thereto, the Notice of Hearing on the Motion, the Declaration of Danielle J. Bethel in Support of the Motion, the files, pleadings and orders on file in this Chapter 9 case, and such other and further evidence as made properly before the Court.

TRMC respectfully requests that this Court enter an order pursuant to 11 U.S.C. §§ 901 and 362 as complimented by FRPB 4001(d) approving the Stipulation as follows:

1. TRMC is the Debtor in the above-captioned Chapter 9 case, which was filed on September 30, 2017.

2. Plaintiffs wish to commence an action in the Tulare County Superior Court against TRMC ("Lawsuit") seeking damages for the tort of negligence resulting in wrongful death allegedly caused by TRMC prior to the filing of the bankruptcy case.

3. After negotiation, the Parties have stipulated to terms and conditions concerning continuation of the Lawsuit ("Stipulation"). True and correct copies of the Stipulation and proposed form of order are attached hereto as Exhibits A and B, respectively, as required under FRPB 4001(d)((1)(A).

4. Essentially, by the Stipulation, the Parties agree that (1) Plaintiffs shall be permitted to commence and prosecute the Lawsuit to settlement or judgment against TRMC and/or the other defendants in the Lawsuit for the purposes of determining the liability and damages, if any, of TRMC and/or the other defendants with respect to the Litigation; and (2) that Plaintiffs recovery against TRMC in the Lawsuit, if any, shall be

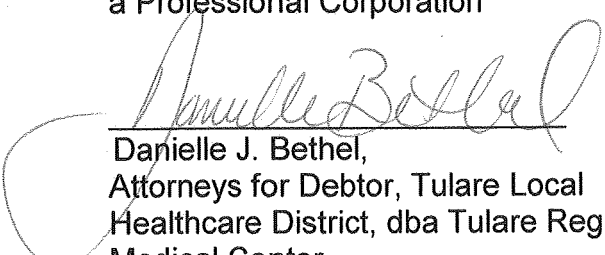
1 limited to proceeds available under any applicable liability coverage, if any, and by
2 Plaintiffs' waiver of the right to collect the first \$100,000 of any settlement or judgment
3 against TRMC.

4 5. TRMC hereby seeks Court approval of the Stipulation.

5 WHEREFORE, the Debtor respectfully requests this Court enter an order
6 approving the Stipulation and for such other relief as is just and proper.
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8 Dated: March 26, 2018

9 WALTER WILHELM LAW GROUP,
a Professional Corporation

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11 Danielle J. Bethel,
12 Attorneys for Debtor, Tulare Local
13 Healthcare District, dba Tulare Regional
14 Medical Center
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